

**UNITED STATES BANKRUPTCY COURT FOR THE  
EASTERN DISTRICT OF OKLAHOMA**

**SUMMARY OF REVISIONS TO THE LOCAL RULES**

The Table of Contents follows the outline of the Federal Rules of Bankruptcy Procedure and the rules are numbered in accordance with the Uniform Numbering System for Local Rules as approved by the Judicial Conference in May 2003. There may be gaps in the numbering system where there is no local rule related to the corresponding federal rule.

A list of Local Forms with electronic access via hyperlinks to the forms was added for ease of reference.

**Local Rule    Topic**

**RULE 1001-1.            SCOPE OF RULES AND FORMS; DEFINITIONS**

This rule is new. Definitions were added to define terms used in the local rules.

**RULE 1002-1.            PETITION – GENERAL**

Previous Rule 1002-1 was deleted as obsolete due to the implementation of electronic filing in March of 2004. Revised Rule 1002-1 was added to require that the petition conform to the Official Bankruptcy Forms and requires a corporate debtor to file a copy of the corporation action authorizing the filing and requires corporations, partnerships and other artificial entities be represented by counsel. In addition, the rule was added to incorporate General Order 51 dated October 27, 2005, which sets forth the requirements for rental deposits in cases where 11 U.S.C. §362(i)(1) is applicable.

**RULE 1003-1.            INVOLUNTARY PETITIONS**

This rule is new and was added for the purpose of clarity.

**RULE 1005-1.            CAPTION REQUIREMENTS FOR PETITIONS**

This rule has been revised for the purpose of clarity.

**RULE 1006-1.            FILING FEE**

This rule originated from previous Rule 1006-1, which was revised to incorporate electronic filing, electronic payment and General Order 52 dated October 27, 2005, regarding waiver of filing fees under Chapter 7 pursuant to 28 U.S.C. §1930 in very limited circumstances. Rule 1006-1(D) was added to incorporate General Order 47 dated September 28, 2005, regarding the refund policy

of the court. Rule 1006-1(E) was added to require the balance of any filing fee to become due immediately upon the dismissal of a case or failure to timely pay any installments.

#### **RULE 1007-I [INTERIM]-1.           LISTS, SCHEDULES AND STATEMENTS**

Previous Rule 1007-1 was substantially revised in response to BAPCPA, to incorporate electronic filing procedures, and to comply with the Statutory Time Period Technical Amendments Act of 2009. Rule 1007-I-1(A) was added to incorporate General Order 62 dated January 3, 2007, which requires a corporate debtor to file a “Corporate Ownership Statement” on the referenced Local Form in accordance with Interim Bankruptcy Rules 1007(a) and 7007.1. 1007-I-1(C) was added to include the procedure for the failure of a debtor to file exhibit D with the petition. 1007-I-1(E) originated from previous Rule 1007-2, which was made obsolete due to the implementation of electronic filing in March of 2004. Rule 1007-I-1(G) was added to incorporate General Order 69 dated December 3, 2007, which requires an individual debtor who is not represented by an attorney to file the Pro Se Filing Disclosure on the referenced Local Form. Rule 1007-I-1(H) was added to require the debtor to file Local Form of Payment Advices Certification for purposes of 11 U.S.C. §521 and was revised to comply with the Statutory Time Period Technical Amendments Act of 2009. Rule 1007-I-1(I) was added to require the timely filing of the summary of schedules, Statistical Summary of Certain Liability and Exhibits. These documents are part of the Official Form of the petition but are not required by the Bankruptcy Rules. Rule 1007-I-1(J) was added as a result of the Judicial Conference’s Policy on Privacy and Public Access to Electronic Case Files March 2008, requiring the redaction of personal data identifiers prior to filing. Rule 1007-I-1(K) was added to require a debtor to submit rather than file, Statements of Social Security Numbers due to privacy concerns.

#### **RULE 1007-2.           STATEMENT OF INTENTION**

This rule originated from previous Rule 1007-3, which was revised to add that a debtor may file a motion to compel a creditor to supply required information or a Reaffirmation Agreement if the creditor refuses in order for the debtor to timely perform his or her statement of intention under 11 U.S.C. §521 (a)(2).

#### **RULE 1008-1.           UNSWORN DECLARATION VERIFICATION**

This rule is new and was added to include a reference to new Local Form 1008-1, Unsworn Declaration Verification.

#### **RULE1009-1.           AMENDMENTS TO PETITIONS, LISTS AND SCHEDULES AND STATEMENTS**

This rule was revised to clarify amended and amendments to petitions, lists, schedules and statements. Rule 1009-1(B) was added to specify that a joint debtor could not be added or deleted by an amendment to a petition. Rule 1009(D) was revised and (E) was added to require the debtor to give notice of the commencement of the case and all bar dates and deadlines to each added

creditor. Rule 1009-1(F) was added to require the attachment of a summary of schedules to amended schedules. Rule 1009-1(G) was added to clarify that if the debtor makes amendments to any information listed on the petition, the amendment is considered an amendment to the petition and the debtor shall be required to notice all creditors listed on the matrix. This rule refers to Local Form 1009-1(G), Notice of Change of Address. Rule 1009(H) was added to address the problem of correcting social security numbers of the debtors when the petition was filed electronically by an attorney. This rule refers to Local Form 1009-1(H), Notice of Correction of Social Security Number, which the attorney should mail to the National Credit Bureau Agencies.

*Previous RULE 1010-1. was deleted in its entirety as superfluous.*

#### **RULE 1013-1. HEARING AND DISPOSITION IN INVOLUNTARY CASES**

This rule is new. This rule addresses the procedure that the court has set forth for involuntary cases. In Rule 1013-1(A), if the debtor fails to answer contesting the petition the court will set the petition for hearing. In Rule 1013-1(B), if the debtor files a motion to convert it shall be deemed consent to the entry of an order for relief under the chapter to which the case is being converted.

#### **RULE 1014-1. TRANSFER OF CASES**

This rule is new and was added to address transfer cases, adversary proceedings, and related cases. Cases that are transferred should also include the transfer of an adversary proceeding. Adversary proceedings that are transferred should also include the transfer of the main case. Transfers of cases or adversary proceedings should not include related cases unless substantively consolidated. Any exceptions to the rule should be stated in the court order.

#### **RULE 1015-1. JOINT ADMINISTRATION / CONSOLIDATION AND SEPARATION OF A JOINT PETITION**

This rule is new. This rule was added to incorporate General Order 30 dated June 10, 1999, which provided that when a joint case is commenced by the filing of a single petition by an individual and that individual's spouse as provided in 11 U.S.C. § 302(a), the debtors' estates shall be jointly administered and substantively consolidated unless a party in interest objects or the court orders otherwise. Rule 1015-1(A) was added to require a new petition from a joint debtor who wishes to file a petition under the same chapter as a pending case with a current debtor. Rule 1015-1(B) was added to establish the procedure for case severing after conversion or dismissal. 1015-1(C) was added to establish the procedure for joint administration. Local Form 1015(C)(3), Order Jointly Administering a Case is referenced.

#### **RULE 1016-1. DEATH OF DEBTOR**

This rule is new and was added to require a notice or certificate of death in a bankruptcy case as soon as possible after acknowledgment that the debtor is deceased.

#### **RULE 1017-1. CONVERSION TO CHAPTER 11, 12 OR 13**

This rule originated from previous Rule 1017-1, which addressed conversion of cases. Rule 1017-1 clarifies the procedure and the notice requirements for each chapter. References are made to Local Forms for Motions to Convert for each respective chapter and each party and the proper Local Form 20A, Notice of Motion, Notice of Deadline to File Objection and Notice of Hearing, if Objection is Filed for each chapter and each party. Rule 1017-1(D) addresses the notice of conversion procedure if sought by the debtor or debtor in possession in a Chapter 12 or 13 to a Chapter 7 case. Local Form 1017-1(D)(1)(a) Notice of Conversion is referenced.

#### **RULE 1017-2. DISMISSAL OR SUSPENSION – CASE OR PROCEEDINGS**

This rule is new and was added to address the dismissal procedure, the notice requirements, and the duties of the debtor or debtor in possession for each chapter. This rule complies with the Statutory Time Period Technical Amendments Act of 2009. References are made to Local Form 20A, Notice of Motion, Notice of Deadline to File Objection and Notice of Hearing, if Objection is Filed for each chapter and each party. Rule 1017-2(E) was added to require the immediate payment in full of the balance of any fees due and owing at the time of dismissal.

#### **RULE 1019-1. CONVERSION – PROCEDURE FOLLOWING**

This rule originated from previous Rule 1019-1, which was revised to require the debtor, trustee, or debtor in possession to file an amendment to the creditors list reflecting all unscheduled, unpaid post-petition creditors within 14 days of the entry of the order or notice of conversion. This rule complies with the Statutory Time Period Technical Amendments Act of 2009. Rule 1019-1(B) was added to require the debtor to provide information regarding Domestic Support Obligations to the case trustee on the designated Local Form 4002-1(B) for purposes of 11 U.S.C. §§362(b)(2)(A)(ii), (b)(2)(B), (C), 522(c)(1), and 523(a)(5). Rule 1019-1(C) was added to clarify that individual debtors shall file the applicable Official Form B22 for the chapter converted to within 14 days of the entry of the order of the conversion. Rule 1019-1(E) was added to clarify that the deadline for filing claims in converted cases shall be 90 calendar days from the date of the post-conversion meeting of creditors pursuant to 11 U.S.C. §348(d).

#### **RULE 2002-1. NOTICE TO CREDITORS AND OTHER INTERESTED PARTIES**

This rule is new and was added for the purpose of clarifying the notice requirement to creditors and other interested parties and to comply with the Statutory Time Period Technical Amendments Act of 2009. Rule 2002-1(E) was added to adopt new certificate of mailing procedures for this court that would be as close as possible to the procedure of the Northern District of

Oklahoma making a common filing easier on the practitioners. Rule 2002-1(G) was added to incorporate General Order 54 dated December 15, 2005, which establishes the procedure for the National Creditor Registration Service and the Notice of Preferred Address under 11 U.S.C. §342(e) and (f). This rule references Local Form 2002-1(G), Notice of Change of Address for use by a creditor.

*Previous RULE 1020-1 was deleted in its entirety as a result of the small business provisions of BAPCPA*

#### **RULE 2002-2. NOTICE TO UNITED STATES OR FEDERAL AGENCY**

This rule is new and was added to require notices served on an instrumentality of the United States pursuant to Bankruptcy Rule 2002(j) shall clearly designate the department, agency or instrumentality of the U.S. entitled to notice or the agency through which the debtor became indebted and shall be served at the address listed on the list of addresses maintained by the Clerk.

#### **RULE 2003-1. § 341 MEETING**

This rule is new and was added to require certain documentation be present at the §341 meeting for the trustee to review. Rule 2003-1(B) was added for the purpose of setting forth the procedure to request a change in the §341 meeting prior to the meeting being held. Rule 2003-1(C) was added for the purpose of setting forth the procedure for an announced continuance at the meeting of creditors.

#### **RULE 2003-2. CORPORATE DISCLOSURE STATEMENT – CREDITORS COMMITTEE**

This rule is new and was added to incorporate General Order 56 dated February 1, 2006, requiring corporate members of a creditors' committee to file a Corporate Disclosure Statement on the referenced Local Form 7007.1-1 in accordance with Interim Bankruptcy Rule 7007.1.1. This rule complies with the Statutory Time Period Technical Amendments Act of 2009.

#### **RULE 2004-1. DEPOSITIONS AND EXAMINATIONS**

This rule originated from previous rule 2004-1. Editorial changes were made for the purposes of style and clarity. Rule 2004-1(C) was added to require that a motion for examination indicate if an agreement has been reached on the date, time and place for the examination. Otherwise, the motion shall disclose the efforts made to comply.

#### **RULE 2014-1. EMPLOYMENT OF PROFESSIONALS**

This rule is new and was added to provide that an application for employment pursuant to Local Form 2014-1(A) may be ruled on ex parte or may be set for hearing at the discretion of the court. The rule references Local Form 2014-1(B), proposed order for application for employment.

## **RULE 2015-1. TRUSTEES - GENERAL**

This rule originated from previous Rule 2015-1, which was deleted as obsolete. This rule was added to clarify that the duty of a Chapter 7 or Chapter 11 trustee or Chapter 11 debtor in possession to file reports required by 11 U.S.C. §§ 704(a)(8) and 1106(a)(1) and Bankruptcy Rule 2015(a)(3), shall continue until the entry of a final decree, unless the court directs otherwise, according to the format and time schedule provided by the United States Trustee or ordered by the court.

## **RULE 2015-2. DUTY TO FILE REPORTS**

This rule is new and was added to require monthly operating reports be filed using the forms required by the United States Trustee. The reports are required to be filed with the clerk and a copy to be served on the United States Trustee. The rule requires a Chapter 11 debtor to sign the Monthly Operating Report under penalty of perjury. Rule 2015-2(A) was added to require reports filed in Chapter 11 and 12 cases be signed by the debtor or the debtor's authorized representative under penalty of perjury. Rule 2015-2(B) was added to require in Chapter 13 cases where the trustee filed a report pursuant to 11 U.S.C. § 1302(c) that the debtor shall file reports required by 11 U.S.C. § 1304 signed under penalty of perjury. Rule 2015-2(D) was added to require Chapter 13 debtors who have income for which no taxes are withheld or who are self-employed but who do not incur trade credit submit Monthly Operating Reports to the Chapter 13 trustee unless the trustee waives or modifies the requirement.

## **RULE 2016-1. COMPENSATION OF PROFESSIONALS**

This rule originated from previous Rule 2016-1, which was revised to require that the Disclosure Statement under 11 U.S.C. § 329(a) and Bankruptcy Rule 2016(b) be filed with the Petition. Rule 2016-1(B) was added to require Chapter 11 and 12 attorneys deposit into a trust account all retainer funds received from the debtor pre-petition that had not been earned and applied pre-petition and not be withdrawn without court order. Rule 2016-1(C) was added to require all fee applications under 11 U.S.C. § 330 filed with the court comply with the United States Trustee Guidelines. Rule 2016-1(D) was added to require that attorneys seeking compensation that exceed the court's presumptive fee submit the court's referenced Local Form 2016-1(D), Application for Compensation for Professional Services or Reimbursement of Expenses by Attorney. Rule 2016-1(E) was added to require that applications for compensation of expenses filed pursuant to Bankruptcy Rule 2016 accompany a Notice of Hearing in compliance with the court's referenced Local Forms 20E and 20F, depending on the amount of compensation the attorney is requesting in the application.

*Previous RULE 2081-1 was deleted in its entirety. See Rule 3017.1.*

*Previous RULE 2082-1 was deleted in its entirety as a result of Chapter 12 discharge provisions of BAPCPA. See Rule 4004-1.*

*Previous RULE 2083-1 was deleted in its entirety as a result of Chapter 13 discharge provisions of BAPCPA. See Rule 4004-1.*

#### **RULE 2090-1. ADMISSION OF COUNSEL TO THE BANKRUPTCY COURT**

This rule originated from Rule 2090-1, which was revised to mirror the local rule for the United States District Court for the Eastern of Oklahoma from which this court derives its jurisdiction and authority. Rule 2090-1(E) was added to incorporate General Order 33 dated June 10, 2005, and General Order 34 dated October 26, 1999, which referenced Local Form 2090(E), Motion and Application for Admission Pro Hac Vice. Rule 2090-1(F) was added to require that any attorney who is not admitted and who desires to appear on behalf of a child support creditor file written notice detailing the child support debt on the referenced Procedural Form B281, Appearance of Child Support Creditor or Representative.

*Previous RULE 2091-1 was deleted in its entirety. See Rule 9010-1(B)*

#### **RULE 3001-1. TRANSFER OF CLAIM**

Previous Rule 3001-1 was incorporated into Rule 3002-1 and revised. This rule was added to require that a notice of transfer of a claim include a reference to the claim number of the original proof of claim in order to facilitate the court processing of the transfer.

#### **RULE 3002-1. FILING PROOF OF CLAIM**

This rule originated from Rule 3001-1, which was revised to incorporate electronic filing and to require the Proof of Claim be filed on the referenced Procedural Form B10. Rule 3002-1(B) was added to clarify the meaning of meeting of creditors in converted cases to establish a deadline for filing proofs of claim. Rule 3002-1(C) was added to clarify the establishment of the deadline for proofs of claim in Chapter 7 No-Asset cases. Rule 3002-1(D) was added to set forth the format and page limits for exhibits to Proofs of Claim and to require creditors to include the mailing address payments on the Proof of Claim. Rule 3002-1(E) was added to set forth the procedure for establishing a claims deadline when a Chapter 7 case is reopened.

#### **RULE 3003-1. FILING PROOF OF CLAIM IN CHAPTER 9 OR CHAPTER 11**

This rule is new and requires the court in a Chapter 11 case, to establish a proof of claims bar date and serve notice of the date and the referenced Procedural Form B10 at the time the meeting of creditors is served. The rule requires that in a Chapter 9 or a Chapter 11 case if the court does not set a claims bar date the debtor in possession or trustee shall file a request for order fixing the time within which to file proofs of claim and shall serve notice of the order.

#### **RULE 3004-1. FILING PROOF OF CLAIM ON BEHALF OF A CREDITOR**

This rule is new and was added to require that when a debtor files a proof of claim on behalf of a creditor who has failed to file a proof of claim the debtor must provide to the trustee the telephone number and account number of the creditor.





#### **RULE 3007-1. CLAIMS – OBJECTIONS**

This rule originated from Rule 3007-1, which was revised to state Rule 3007 applies to objections to proofs of interest. Rule 3007(B) was added to require that the caption of an objection to claim identify the claimant and claim number to clarify the filing procedure for an objection to claim. In addition, the objecting party has the burden of overcoming the presumption afforded by Bankruptcy Rule 3001(f). Rule 3007-1(C) was added to clarify the noticing requirements of the objecting party and references the court's Local Form 20B, Notice of Objection to Claim, Notice of Deadline to File Objection and Notice of Hearing.

#### **RULE 3008-1. CLAIMS – RECONSIDERATION**

This rule is new and was added to state Rule 3008 shall also apply to proofs of interest.

#### **RULE 3010-1. DIVIDENDS – SMALL**

This rule is new and was added to allow a Chapter 12 or 13 trustee to distribute payments in amounts less than \$15.00 without court order. Rule 3010-1(B) was added to allow a Chapter 12 or 13 trustee to distribute payments that would have otherwise been made on a claim to holders of other allowed claims provided for by the confirmed plan without requiring modification of the plan upon satisfactory proof to the trustee that the claim is fully satisfied.

#### **RULE 3011-1. UNCLAIMED FUNDS**

This rule was added to incorporate General Order 63 dated January 11 2007, regarding the procedure for application for unclaimed funds and the disposition of such unclaimed funds. This Rule references this court's Local form 3001-1(A), Application for Payment of Unclaimed Funds and Proposed Order. Rule 3011-1(B) was added to clarify the notice requirements.

#### **RULE 3012-1. VALUATION OF COLLATERAL**

This rule originated from Rule 3012-1, which was revised for purposes of clarity and added referenced Local Form 3012-1(B), Motion to Value.

#### **RULE 3015-1. CHAPTER 12 AND 13 – PLAN**

This rule originated from Rule 3015-1, which was revised for purpose of clarity and that it requires the use of the Local Form 3015-1(B), Chapter 13 Plan. This rule also complies with the Statutory Time Period Technical Amendments Act of 2009. Rule 3015-1 (C) originated from previous Rule 3015-4, which was revised to reference the court's use of Local Form 3015-4 Chapter 12 Plan that may be modified to accommodate the individual debtor in possession as long as the plan complies with the requirements of 11 U.S.C. §1222.

## **RULE 3015-2. AMENDMENTS TO CHAPTER 12 & 13 PLANS**

This rule originated from previous Rule 3015-5, which was revised to define “Amendment to” versus Amended Chapter 12 and 13 plans and modified plans. This rule complies with the Statutory Time Period Technical Amendments Act of 2009. The court has adopted Local Forms for Chapter 12 and Chapter 13 plans and Chapter 12 and Chapter 13 modified plans. Any “Amendment to” a plan shall incorporate the terms of the original plan filed. A pleading entitled “Summary of Amendments” should be included when an “Amendment to” any type of plan is filed. The summary shall state the changes made and the creditors affected by the amendments with references to the original plan. Each time an “Amendment to” a plan is filed, and a previous plan is pending, a pleading entitled “Withdrawal of Prior Plans” should be filed, withdrawing any previous plans with exception to the original plan. Amendments to plans shall be mailed to all adversely affected creditors. The trustee shall inform the court at confirmation hearing if the amendment adversely affects any creditor and if the court needs to continue the confirmation hearing for cause.

## **RULE 3015-3. CHAPTER 12 AND 13 - PRE-CONFIRMATION CERTIFICATION**

Previous Rule 3015 was incorporated into Rule 3015-1. This rule was revised to address pre-confirmation requirements under BAPCPA and to comply with the Statutory Time Period Technical Amendments Act of 2009. Rule 3015-3(A) requires a Chapter 12 or 13 Debtor to file a Certification of Payment of Domestic Support Obligations on the referenced Local Form 3015-3(A), Pre-Confirmation Certification for purposes of 11 U.S.C. §§ 1225(a)(7) and 1325(a)(8). Rule 3015-3(b) requires a Chapter 13 debtor to file a Certification Regarding Tax Returns on the referenced Local Form 3015-3(A), Pre-Confirmation Certification for purposes of 11 U.S.C. §§ 1308 and 1325(a)(9).

## **RULE 3015-4. MODIFICATION OF THE CHAPTER 12 OR 13 PLAN**

This rule originated from previous Rule 3015-2, which was revised to add that modifications made to the plan after confirmation pursuant to 11 U.S.C. §§1229 or 1329 shall incorporate the terms of the original plan and state the material changes to the treatment of claims. The rule references the court’s Local Form 3015-3(A), Modified Plan and Summary, Notice of Incorporation of Terms of Original Plan and Statement of Material Changes to Treatment of Claims. The rule requires that a motion to modify be filed each time a modified plan is filed, stating the modifications being made in the modified plan or amendment to a modified plan. This rule references the court’s Local Form 3015-3(B), Motion to Modify Plan. This rule made applicable the provisions of Local Rule 3015-2(A) to modifications to a plan. As a result, the debtor must file the referenced Local Form 3015-3(C), Pre-Certification Confirmation for Modified Plans with all modifications to Chapter 12 or Chapter 13 plans. Rule 3015-3(B) was added to clarify that when a modified plan is filed a motion to modify plan must be filed. The noticing requirements are set forth along with the reference to this court’s Local Form 20C, Notice of Motion Notice of Deadline to File Objection to Motion and Notice of Hearing.

**RULE 3015-5. NOTICE OF CHAPTER 12 CONFIRMATION HEARING**

This rule originated from previous Rule 3015-7 and was revised for consistency with the Statutory Time Period Technical Amendments Act of 2009.

**RULE 3015-6. OBJECTION TO CHAPTER 12 AND 13 PLANS**

Previous Rule 3015-6 was incorporated into Rule 3015-7. This rule is new and complies with the Statutory Time Period Technical Amendments Act of 2009. This rule was added to set forth deadline to file an objection to the plan. Objections must be filed seven (7) days prior to the confirmation hearing, state specific grounds for the objection, and legal authority for the objector's position. This rule states the court may disregard untimely filed objections.

**RULE 3016-1. DISCLOSURE STATEMENT AND CHAPTER 11 PLAN - GENERAL**

This rule originated from previous Rules 3016-1 and 3016-2, which were revised to incorporate the Chapter 11 disclosure statement and Chapter 11 plan. This rule states that the disclosure statement and plan shall be mailed within three (3) days of filing and a certificate of mailing two (2) days thereafter, implying that both documents should be filed and mailed in conjunction with the other. Rule 3016-1(B) was added to clarify that amended disclosure statements or amended Chapter 11 plans shall be complete and supersede all prior versions unless authorized by the court.

**RULE 3017.1. DISCLOSURE STATEMENT - SMALL BUSINESS CASE**

This rule is new and was added due to the small business provisions of BAPCPA. The court has added a reference to the Local Form 3017.1, Small Business Chapter 11 Disclosure Statement and Local Form 3017.1, Small Business Chapter 11 Plan. The court allows modifications to the local forms provided that the proponent highlights the changes made. Conditional approval of the disclosure statement is obtained by Application pursuant to 11 U.S.C §1121(e).

**RULE 3017-1. DISCLOSURE STATEMENT - APPROVAL**

This rule originated from previous Rule 3017-1, which was revised for stylistic consistency.

**RULE 3018-1. BALLOTS – VOTING ON PLANS**

This rule originated from previous Rule 3018-1, which was revised to comply with the Statutory Time Period Technical Amendments Act of 2009 and to add that ballots should conform to the court's referenced Local Form 3018-1. A tabulation of the ballots should be filed on the court's referenced Local Form 3020-1(D)-1 seven (7) days prior to the confirmation hearing. The tabulation shall include the numbers and percentages of acceptances and rejections of each impaired class, and whether each such impaired class is deemed to accept or reject the plan.

## **RULE 3019-1. AMENDED CHAPTER 11 PLAN**

No change from previous Rule 3019-1.

## **RULE 3020-1. CHAPTER 11 – CONFIRMATION**

This rule originated from previous Rule 3020-1, which was revised to comply with the Statutory Time Period Technical Amendments Act of 2009 and to require that the plan proponent have the original ballots at the confirmation hearing on the plan so that the ballots may be introduced into evidence upon request. Rule 3020-1(B) was revised to include the noticing requirements of the ballot, confirmation hearing, plan, and approved disclosure statement. Rule 3020-1(C) was added to set a deadline for filing objections to confirmation of plan. The deadline is fourteen (14) days before the confirmation hearing unless the court shortens the time in a small business case. This rule complies with the Statutory Time Period Technical Amendments Act of 2009. Rule 3020-1(D) was added to address pre-confirmation requirements under BAPCPA, which requires a Chapter 11 debtor to file a Certification of Payment of Domestic Support Obligations on the referenced Local Form 3020-1(D), Certification for Confirmation Regarding Domestic Support Obligation and Filing of Required Tax Returns in accordance with 11 U.S.C. §§101(14A) or 129(a)(14). Rule 3020-1(D) was added to require all fees payable to the Clerk and United States Trustee under 28 U.S.C. §1930 be paid before a Chapter 11 plan is confirmed. Rule 3020-1(F) originated from previous Rule 3020-1(b). No change was made.

## **RULE 3022-1. CHAPTER 11 FINAL REPORT/DECREE**

This rule originated from previous Rule 3022-1, which was revised to comply with the discharge provisions of BAPCPA. Rule 3022-1 was revised to add a reference to the use of the court's Local Form 3022-1 Chapter 11 Final Report and Application for Final Decree and the discharge provision. Under this provision, if the debtor is an individual and is eligible for a discharge, upon the filing of a form Notice of Completion of Plan Payment, Certification of Compliance and Request for Entry of Discharge, a Notice of Motion, Notice of Objection and Hearing pursuant to this court's referenced Local Form 20C, the case will be automatically reopened pursuant to 11 U.S.C. § 350 without the payment of a fee.

## **RULE 3070-1. CHAPTER 13 – PAYMENTS**

This rule is new and was added to require the Chapter 13 plan to state the total amount per month to be paid to the trustee and the length of the plan in months. Rule 3070-1(B) was added to require the debtor to begin making payments under a Chapter 13 plan to the trustee within thirty (30) days after the order for relief. Rule 3070-1(C) was added to prohibit the trustee from accepting cash from any entity as payment under a Chapter 13 plan. Rule 3070-1(D) was added to require that unless otherwise agreed, Chapter 13 plan payments must be made to the trustee under a wage deduction order or other payment order and the debtor must submit such wage deduction order on the court's referenced Local Form 3070-1(D) to the trustee for approval and submission to the court.

## **RULE 3070-2. CHAPTER 13 – ADEQUATE PROTECTION**

This rule is new and was added to incorporate General Order 50 dated October 14, 2005.

## **RULE 3071-1. CHAPTER 12 – PAYMENTS**

This rule is new and was added to require all Chapter 12 payments to the trustee be made by certified or cashier's check or money order. Neither personal checks nor cash will be accepted as payment by a trustee under a Chapter 12 plan.

## **RULE 4001-1. AUTOMATIC STAY**

This rule is new and was added to address modifications to the automatic stay statute imposed by BAPCPA and to comply with the Statutory Time Period Technical Amendments Act of 2009. Rule 4001-1(A) was added to require a motion for relief from the automatic stay 11 U.S.C. §362(a) shall be designated in the title of the pleading. Rule 4001-1(B) was added to require that when a motion seeking relief from the automatic stay under 11 U.S.C. § 362(a) is combined with a request for abandonment, the motions shall be served pursuant to Bankruptcy Rule 6007. If a movant seeks a 10 day waiver of the stay under Bankruptcy Rule 4001(a)(3), the request must be stated in the title of the pleading and must explain why such waiver should be granted. A motion for relief may be combined only with a request for abandonment under 11 U.S.C. §554 and alternatively §361. Rule 4001-1(C) was added to clarify noticing requirements under Bankruptcy Rule 4001. Rule 4001-1(D) was added to require that a motion for relief from the codebtor stay under 11 U.S.C. §§1201(a) or 1301(a) must be titled Motion for Relief from Codebtor Stay. Failure to do so shall waive the benefit of automatic termination of the stay as conditioned in 11 U.S.C §§1201(d) or 1301(d). The rule states the noticing requirements and references the court's Local Form 20A, Notice of Motion, Notice of Deadline to File Objection and Notice of Hearing, if Objection is Filed. Rule 4001-1(E) was added to shorten the time for discovery in regard to motions for relief from the automatic stay. Rule 4001-1(F) was added to clarify that Rules 9013-1 and 9014-1 apply to motion for relief from the automatic stay. Rule 4001-1(G) was added to require a request confirming that the automatic stay has been terminated under U.S.C. §362(j) may be made by application, providing specific information about the prior filing. Rule 4001-1(H) was added to require a motion for continuation of the automatic stay under 11 U.S.C. §362(c)(3)(B) be filed with the petition in order to comply with the hearing requirements under the code. The rule also clarifies noticing requirements and references Local Form 20G, Notice of Motion to Extend Stay, Notice of Deadline to File Objection to Motion and Notice of Hearing. Rule 4001-1(I) was added to require consent motions for relief from automatic stay be styled as a consent motion. This rule gives the Clerk of Court the authority to waive the filing fee for a motion for relief from automatic stay when the motion and proposed order are filed as a consent motion with written consent and signature of the trustee and all respondents.

## **RULE 4002-1. DEBTOR – DUTIES**

This rule originated from previous Rule 4002-1, which was revised to address the provisions of BAPCPA and to comply with the Statutory Time Period Technical Amendments Act of 2009. Rule 4002-1(A) was added to allow a motion to dismiss be filed against one debtor in a joint case

who does not appear at the meeting of creditors. Rule 4002-1(B) was added to require an individual debtor in a case under Chapter 7, 11, or 13 to provide to the trustee information regarding Domestic Support Obligation as defined in 11 U.S.C. §101(14A) on the court's referenced Local Form 4002-1(B) within fourteen (14) days after the filing of the schedules and statements or fourteen (14) days after establishment of a Domestic Support Obligation. Rule 4002-1(C) was added to incorporate General Order 49 dated October 27, 2005. Rule 4002-1(D) and (E) originated from the previous Rule 4002-1, which was revised for clarity and to address the provision of BAPCPA. Rule 4002-1(F) was added to require the debtor to cooperate with all reasonable requests for documentation from the trustee. The debtor must file a request for order of the court to excuse compliance with a trustee's request for a document. Rule 4002-1(G) originated from previous Rule 4002-1, which was revised for clarity and stylistic purposes.

#### **RULE 4003-1. OBJECTIONS TO EXEMPTIONS**

This rule originated from previous Rule 4003-1, which was revised for clarity and stylistic purposes and to reference the use of the court's Local Form 20A, Notice of Motion, Notice of Deadline to File Objection and Notice of Hearing, if Objection is Filed. Rule 4003-1(C) was added to clarify that the deadline for objections to exemptions in converted cases shall be thirty (30) calendar days after the conclusion of the post-conversion meeting of creditors or within thirty (30) calendars days after any amendment to the list of supplemental schedule is filed, whichever is later.

#### **RULE 4003-2. LIEN AVOIDANCE**

This rule originated from previous Rule 4003-2, which was revised for clarity and stylistic purposes and to reference the use of the court's Local Form 20A, Notice of Motion, Notice of Deadline to File Objection and Notice of Hearing, if Objection is Filed. Additionally, the rule requires the motion be served on parties in accordance with Bankruptcy Rule 7004(b)(3) and (h) and that a separate motion be filed with respect to each creditor that holds a lien on exempt property that the debtor seeks to avoid pursuant to 11 U.S.C. §522(f).

#### **RULE 4004-1. DISCHARGE**

This rule originated from previous Rule 4004-1, which was revised to comply with the discharge provisions of BAPCPA and to comply with the Statutory Time Period Technical Amendments Act of 2009. Rule 4004-1(A) requires the filing of Local Form 4004-1(A), Certification of Compliance and Motion for Entry of Discharge within twenty (20) days following the filing of a notice by an individual debtor in a Chapter 11 case or a trustee in a Chapter 12 or 13 case that the debtor has paid all payments due under the plan, or with the filing of a motion for hardship discharge in a Chapter 12 or 13 case indicating whether 11 U.S.C. § 522(q)(1) may be applicable to the debtor or if there is pending a proceeding in which the debtor may be found guilty of a felony of the kind described in 11 U.S.C. § 522(q)(1)(A) or liable for a debt of the kind described in 11 U.S.C. § 522(q)(1)(B). 4001-1(B) was added to require that if the Chapter 12 or 13 debtor is required to pay any Domestic Support Obligation, the debtor shall file a verified statement that the debtor has paid all amounts that are required or if the debtor has no such obligation the debtor shall file a verified statement certifying such statement on Local Form 4004-1(A), Certification of Compliance and

Motion for Entry of Discharge. Rule 4004-1(C) was added to include the noticing requirements for a Motion for Hardship Discharge and references the court's Local Form 20D, Notice of Hearing and Fixing Time for Filing Complaint affording creditors time to object to the debtor's discharge and the requirements for a Motion for Entry of Discharge when the debtor has completed payments and references the court's Local Form 20C, Notice of Motion, Notice of Deadline to File Objections to Motion and Notice of Hearing.

#### **RULE 4008-1. REAFFIRMATION**

This rule originated from previous Rule 4008-1, which was revised to comply with the provisions of BAPCPA and to require that all reaffirmation agreements substantially conform to the Administrative Office of the U.S. Courts Director's Procedures Form B240A, Reaffirmation Agreement and Official Form B27, Reaffirmation Agreement Cover Sheet. Rule 4008-1(B) was added to require that all reaffirmation agreements be filed no later than sixty (60) days after the first date set for the meeting of creditors to be enforceable unless a timely motion to delay the discharge or enlarge the time to file a reaffirmation agreement is filed. Rule 4008-1(C) was revised to clarify the time in which the debtor may rescind or cancel a reaffirmation agreement. The debtor shall notify the creditor in writing that the reaffirmation agreement is rescinded or canceled in order to cancel the agreement at any time before the court enters a discharge or before the expiration of the sixty (60) day period that begins on the date the reaffirmation agreement is filed with the court, whichever occurs later. The rule references Local Form 4008-1(C), Notice of Recision of Reaffirmation Agreement. Rule 4008-1(D) was added to establish circumstances under which the court will hold a hearing to approve a reaffirmation agreement and to require the debtor and any joint debtor that has an obligation on the reaffirmation agreement to appear at the hearing.

#### **RULE 5001-1. COURT ADMINISTRATION**

This rule originated from previous Rule 5001-1, which was revised for clarity and stylistic purposes.

#### **RULE 5001-2. CLERK - OFFICE LOCATION/HOURS**

This rule originated from previous Rule 5002-1, which was revised for clarity and stylistic purposes. Rule 5002-1(D) was added to incorporate electronic filing. Rule 5002-1(F) was added to reference the court's public website.

#### **RULE 5003-1. CLERK - GENERAL**

This rule is new. Rule 5003-1(A) was added to give the Clerk the authority to dispose of exhibits after appeal deadlines have expired without notice to the parties. Rule 5003-1(B) was added to establish the procedures for stipulating by counsel to the custody of exhibits admitted into evidence at a hearing. Rule 5003(C) was added to clarify that the Clerk shall maintain and update as necessary, and the court may order the attorney to update as necessary, the Official Mailing List (Matrix) for each bankruptcy case in accordance with Local Rule 1007-I [Interim](E). Rule 5003-1(D) was added

to incorporate General Order 71 dated July 18, 2008, which sets forth the policy on electronic availability of transcripts and the responsibility of redaction. This rule complies with the Statutory Time Period Technical Amendments Act of 2009.

*Previous Rule 5003-2 was deleted in its entirety as obsolete due to the implementation of electronic filing March 2004.*

#### **RULE 5005-1. FILING REQUIREMENTS**

This rule is new and was added to incorporate General Order 45 dated September 15, 2004, which required all documents submitted to be filed electronically pursuant to the Local Rules and the CM/ECF Administrative Procedures with limited exceptions set forth in the rule. 5005-1(B) was added to require the filing fee must be presented for filing the same calendar date a document is presented for filing to the clerk. If the filing fee is not paid, the pleading may be stricken. This rule complies with the Statutory Time Period Technical Amendments Act of 2009. Rule 5005-1(C) was added to require counsel to register with the court in accordance with the procedures set forth in the CM/ECF Administrative Guide and references Local Form 5005-1(C), Electronic Case Filing System Registration for Full ECF Participants, Training Waiver Form or Limited Use Password. 5005-1(D) was added to clarify that no filing fee is required to amend the creditor list when the amendment is filed within fourteen (14) days following the entry of the order converting case or notice of conversion. Rule 5001-1(E) was added to incorporate the electronic filing procedures with respect to the certificate of mailing and service of a document. This rule references Local Form 2002-1(E), Certificate of Mailing. Rule 5005-1(F) was added to establish that filing parties are responsible for redacting personal data identifiers in compliance with the E-Government Act of 2002. Rule 5005-1(G) was added to establish a procedure for filing documents under seal.

*Previous Rule 5005-2 was deleted in its entirety as obsolete due to electronic filing.*

*Previous Rule 5005-3 was deleted in its entirety and incorporated into Rule 9004-1(A).*

*Previous Rule 5005-4 was deleted in its entirety as obsolete due to electronic filing.*

#### **RULE 5007-1. INTERPRETERS; SERVICES FOR PERSONS WITH COMMUNICATIONS DISABILITIES**

This rule is new and was added to clarify that except for proceedings initiated by the United States or for those persons with communications disabilities, the court shall not provide interpreters or other accommodation and there is no requirement that an interpreter provided by any party be federally certified.



#### **RULE 5010-1. REOPENING CASES**

This rule is new and was added to establish the procedures for reopening cases in different circumstances. Rule 5010-1(A) was added to address notice regarding motions to reopen a case. The rule references Local Form 5010-1(A), Motion to Reopen Case and Local Form 20A, Notice of Motion, Notice of Deadline to File Objections and Notice of Hearing, if Objection is Filed. Rule 5010(B) was added to clarify that a filing fee in effect at the time of filing must accompany the motion to reopen except in limited circumstances stated in the Local Rule. Rules 5010-1(C)-(I) were added to establish procedures and local forms for specific types of motions to reopen.

#### **RULE 5011-1. WITHDRAWAL OF REFERENCE**

This rule is new and was added to set forth the procedures for filing a motion to withdraw the reference pursuant to Bankruptcy Rule 5011(a). Rule 5011-1(B) was added to clarify that unless otherwise ordered by the , a motion for withdrawal shall not toll, suspend, or otherwise change the time period for filing responsive pleadings or motions in pending matters. Rule 5011-1(C) references the court's Local Form 20 for motions to withdraw the reference. Rule 5011-1(D) was added to clarify the time within which, responses shall be filed to motions to withdraw. Rule 5011-1(E) was added to set forth that responses shall be filed in the manner prescribed in the court's Report and Recommendation.

#### **RULE 5011-2. ABSTENTION**

This rule is new and was added to clarify that unless otherwise ordered by the , a motion for abstention shall not toll, suspend, or otherwise change the time period for filing responsive pleadings or motions in pending matters.

*Previous Rule 5071-1 was deleted in its entirety and incorporated into Rule 9006-1(C).*

#### **RULE 5080-1. FEES - GENERAL**

This rule originated from previous Rule 5080-1, which was revised to require that all fees must be paid on the calendar day on which the transaction requiring a fee occurs. Otherwise, the pleading or document may be stricken without further notice or a hearing. In addition, the filing party shall be denied access to the CM/ECF System until all fees have been paid.

#### **RULE 5081-1. FEES - FORM OF PAYMENT**

This rule originated from previous Rule 5080-1, which was revised to require payment of fees by pro se filers be made by cashier's check or money order and cash, if payment is made in person. Only checks drawn on attorney's trust or operating account, on an account of the trustee appointed to the case for which the payment is remitted, or on any United States, state or local government account, will be accepted for payment of filing fees. The clerk will accept a personal or business check for payment of copy, certification or research fees, upon presentation of an official government

issued photo identification card of the person who is presenting the check. The clerk will not accept personal checks from the debtor until such case is closed. Rule 5081-1(B) was added to require payment for registered electronic filers be made on the CM/ECF system using the credit card module the same date transactions are made. Failure to make payment the date the document is filed may result in filing privileges being suspended, dismissal of a petition, a document being stricken, or sanctions being imposed.

#### **RULE 6004-1. SALE OF ESTATE PROPERTY**

This rule is new and was added to establish the procedure for a notice of use of sale or lease of property not in the ordinary course of business pursuant to Bankruptcy Rule 6004(a) and the sale of property free and clear of liens and other interests pursuant to Bankruptcy Rule 6004(c). Local Form 20A, Notice of Motion, Notice of Deadline to File Objection and Notice of Hearing if Objection is Filed is referenced for use with a motion for authority to sell personal property free and clear of liens and other interests made and Local Form 20C, Notice of Motion, Notice of Deadline to File Objection and Notice of Hearing is referenced for use with a motion for authority to sell real property free and clear of liens and other interests. This rule complies with the Statutory Time Period Technical Amendments Act of 2009.

#### **RULE 6006-1. EXECUTORY CONTRACTS**

This rule is new and was added to clarify the procedure for giving notice of a motion to assume, assume and assign, or reject an executory contract or unexpired lease, or notice of a motion to require the trustee or debtor in possession to assume, assume and assign, or reject an executory contract or unexpired lease.

#### **RULE 6007-1. ABANDONMENT**

This rule is new and was added to clarify the procedure for giving notice of an intent to abandon by the trustee or debtor in possession. Rule 6007-1(B) was added to clarify the procedure for giving notice of a motion to abandon by a party in interest. Rule 6007-1(C) was added to set forth the time to file objections to a motion to abandon and references the court's Local Form 20A, Notice of Motion, Notice of Deadline to File Objection and Notice of Hearing, if Objection is Filed.

#### **RULE 6008-1. REDEMPTION**

This rule is new and was added to clarify the procedure for giving notice for a motion for redemption of property from a lien or sale. The rule references Local Form 20A, Notice of Motion, Notice of Deadline to File Objection and Notice of Hearing, if Objection is Filed.

## **RULE 7001-1. ADVERSARY PROCEEDING - GENERAL**

This rule originated from previous Rule 7001-1, which was revised for stylistic purposes. Rule 7001-1(D) was added for the purpose of establishing procedures for conducting a Rule 26(f) conference. The rule references Local Form 7001-1(D), Report of Parties' Rule 26(f) Conference, which should be filed with the court.

## **RULE 7004-1. SERVICE OF PROCESS**

This rule is new and was added to assist the court in determining whether proper service has been effected. The following service requirements were added: Rule 7004-1(A) requires that the certificate of service of a pleading upon a domestic or foreign corporation, a partnership, or other unincorporated association pursuant to Bankruptcy Rule 7004(b)(3) or upon an insured depository institution pursuant to Bankruptcy Rule 7004(h) must identify the individual to whom service was addressed by name and/or title; Rule 7004-1(B) requires that the certificate of service of a pleading upon an insured depository institution pursuant to Bankruptcy Rule 7004(h) shall indicate that such entity is an insured depository institution, whether the institution has appeared by its attorney in the bankruptcy case, and manner of service; Rule 7004-1(C) requires that if a party is served at the address designated by the party in its proof of claim as the address where notices should be sent, the certificate of service shall so indicate; Rule 7004-1(D) requires that when serving a summons and complaint on a debtor pursuant to Bankruptcy Rule 7004(b)(9) and 7004(g), service shall also be made on the attorney representing the debtor in the main bankruptcy case, regardless of whether the attorney has or intends to enter an appearance in the adversary proceeding.

## **RULE 7004-2. SUMMONS**

This rule is new and was added to clarify the procedure for issuance of a summons due to electronic filing and to comply with the Statutory Time Period Technical Amendments Act of 2009. Rule 7004-2(B) was added to clarify that the issued summons would be contained as a hyperlink in the Notice of Electronic Filing of the complaint for the filing attorney to complete and serve. Service of a summons and a complaint shall be made pursuant to Bankruptcy Rule 7004. The rule references Local Form 7004-2(B), Certificate of Service, which shall be attached to the Summons and Complaint and filed as an executed Return of Service. Rule 7004-2(D) was added to require that in the case of service upon the United States in addition to the requirements of Bankruptcy Rule 7004(b)(4) service shall also be upon the agency, department or instrumentality at the address specified on the list maintained by the Clerk in accordance with Local Rule 1007-I(Interim)-1(L). Rule 7004(D) was added to require that a summons and complaint should be served within fourteen (14) days after the summons is issued. If a summons is not timely served, the plaintiff should request that an alias summons be issued to be served in compliance with Bankruptcy Rule 7004.

## **RULE 7005-1. CERTIFICATE OF SERVICE (ADVERSARY PROCEEDINGS)**

This rule is new. This rule was added to incorporate the electronic filing procedures with respect to the certificate of mailing and service of a document in adversary proceeding.

## **RULE 7005-2. FILING OF DISCOVERY MATERIALS**

This rule is new and was added to establish a procedure for requests for discovery, answers, and response thereto. Requests, answers and responses shall not be filed unless ordered by the court. If court intervention is sought, portions of the discovery material at issue shall be attached as exhibits to the motion and/or response.

## **RULE 7007-1. MOTION PRACTICE (ADVERSARY PROCEEDINGS)**

This rule originated from previous Rule 7007-1, which was revised for clarity and to comply with the Statutory Time Period Technical Amendments Act of 2009. Rule 7007-1(A) was added to require all motions in adversary proceedings with the exception of motions under Local Rule 7056-1 be accompanied by the court's Local Form 20A, for adversary proceedings, Notice of Motion, Notice of Deadline to File Objection to Motion and Notice of Hearing, as set forth in Local Rule 9013-1(B) and a proposed order. Rule 7007-1(B) was added to require that each motion, application, or objection be accompanied by a brief, limited to twenty (20) pages. Briefs in opposition, are limited to twenty (20) pages and shall be filed within fourteen (14) days after the filing of the original motion, application, or objection. Reply briefs are limited to ten (10) pages in length and shall be filed within fourteen (14) days after filing of the brief in opposition. No other briefs shall be permitted without leave of court. The failure to file a brief shall constitute consent that the court may rule without further notice on the pleadings. Rule 7007-1(C) was added to list the motions that do not require briefs to be filed by the movant or the respondent.

## **RULE 7007.1-1 CORPORATE OWNERSHIP STATEMENT**

This rule is new and was added to incorporate General Order 62 dated January 3, 2007, and requires corporate parties in an adversary proceeding to file a Corporate Ownership Statement on the referenced Local Form 7007.1-1.

## **RULE 7010-1. FORM OF PLEADINGS**

This rule is new and was added to reference Local Rules 9004-1 and 9004-2.

## **RULE 7012-1. RESPONSIVE PLEADINGS**

This rule is new and was added to require a statement be included in a request for an extension of time that counsel for an opposing or adverse party has been consulted and that the opposing counsel or adverse party either consents or objects.

## **RULE 7016-1. PRE-TRIAL PROCEDURES**

This rule originated from previous Rule 7016-1, which was revised for clarity and to comply with the Statutory Time Period Technical Amendments Act of 2009. Rule 7016-1(J) references Local Form 7016-1(J) Witness List and Exhibit List for adversary proceeding.

## **RULE 7026-1.           DISCOVERY – GENERAL**

This rule originated from previous Rule 7026-1, which was revised for clarity. Rule 7026-1 (A) refers to Local Rule 7005-2. Rule 7026-1(B) requires that all pleadings relating to discovery disputes contain a statement that counsel for the moving party or pro se litigant has consulted with counsel for the adverse party or pro se litigant concerning the motion or objection and the parties have failed to resolve the discovery dispute despite good faith efforts. If the parties agree that certain discovery orders should be entered, the parties may submit a joint motion and a proposed agreed order to the court.

## **RULE 7030-1.           DEPOSITIONS**

This rule originated from previous Rule 7027-1, which was revised to require that before filing a notice of deposition of a party, counsel for the party seeking to take the deposition shall make a good faith effort to confer with the proposed deponent through deponent's counsel, if any, to arrange an agreeable date, time, and place for the deposition.

## **RULE 7041-1.           DISMISSAL OF ADVERSARY PROCEEDINGS**

This rule is new and was added to establish the procedure for dismissal of a complaint objecting to the discharge of the debtor. A motion to dismiss such a complaint shall be prepared in accordance with Local Rule 9013-1(B), be served upon the trustee, the United States Trustee, all creditors unless the court orders otherwise, and all parties in interest in the underlying bankruptcy case in accordance with Local Rule 9013-1(H); give notice of the fact that the motion seeks dismissal of an objection to discharge under 11 U.S.C. § 727; give all parties in interest an opportunity to assume prosecution of the adversary proceeding; and disclose any consideration given in exchange for the filing of the motion. Rule 7041-1(B) was added to require the notice of time to file a response to a motion to dismiss be made on the court's referenced Local Form 20A for adversary proceedings, Notice of Motion, Notice of Deadline to File Objection to Motion and Notice of Hearing, and shall be filed and served upon all parties to the adversary proceeding, United States Trustee, trustee and all creditors and parties in interest in the bankruptcy case, unless the court orders otherwise. Rule 7041-1(C) was added to require that Rule 41 of the Federal Rules of Civil Procedure, made applicable by Bankruptcy Rule 7041, applies in all contested matters. Rule 7041-1(D) was added to establish the procedure that the court shall dismiss the adversary proceeding, if the required filing fee is not paid. Rule 7041-1(E) was added to establish the procedure that the court shall dismiss the adversary proceeding if the main case has been dismissed.

## **RULE 7054-1.           COSTS – TAXATION**

This rule is new and was added to authorize the clerk to tax costs only if properly presented with a judgment that specifically awards costs to the party seeking costs and Procedural Form B263, Bill of Costs.

## **RULE 7055-1.            DEFAULT**

This rule originated from previous Rule 7055-1, which was revised for clarity. Rule 7055-1(A) was revised to require that in order to obtain an entry of default pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, made applicable by Bankruptcy Rule 7055, the party shall file a Request for Entry of Default by the Clerk, Local Form 7055-1(A), which shall be accompanied by an affidavit setting forth: the date of issuance of the summons; the date of service of the complaint; the date of filing of an affidavit of service; the date a responsive pleading was due by virtue of Bankruptcy Rule 7012 and extensions of time granted to the defendant; a statement, pursuant to Bankruptcy Rule 55(b)(1) of the Federal Rules of Civil Procedure, that the party against whom default is requested is not an infant or incompetent person; and a statement, pursuant to the Servicemembers Civil Relief Act, 50 U.S.C. App. § 521, which incorporates General Order 38 dated April 30, 2003. The Clerk will enter default, Local Form 7055-1(B) after independently determining that service has been effected, that the time for response has expired and that no answer or appearance has been filed. Rule 7055-1 (B) was added to require that a default judgment pursuant to Rule 55(b) of the Federal Rules of Civil Procedure may be requested by filing a motion once default has been obtained. The rule references Local Form 7055-1(C), Motion for Default which shall state the factual basis upon which the plaintiff relies to prove each element of each claim for which a default judgment is requested. The Rule references Local Form 20A, Notice of Motion and Local Form 7005-1(D), Proposed Default Judgment.

## **RULE 7056-1.            SUMMARY JUDGMENT**

This rule is new and was added to establish the procedure and the content for briefs in regard to motions for summary judgment and motions for partial summary judgment. This rule also complies with the Statutory Time Period Technical Amendments Act of 2009. Rule 7056-1(A) was added to require briefs in support of summary judgment be filed and shall not exceed twenty (20) pages. Rule 7056-1(B) was added to establish the procedure and the content for briefs in regard to responses to motions for summary judgment or partial summary judgment. Response briefs should not exceed twenty (20) pages in length and shall be filed within fourteen (14) days after the filing of the brief in support of the motion for summary judgment. Rule 7056-1(C) was added to establish a procedure and the content for reply briefs for new matters regarding summary judgment. Reply briefs, not exceeding ten (10) pages in length may be filed, within fourteen (14) days after date the response brief was filed, but shall address only new matters set forth in the non-movant's response brief. Rule 7056-1(D) was added to clarify the content and authentication of the record on summary judgment pursuant to Rule 56, Federal Rules of Civil Procedure and the Federal Rules of Evidence. Rule 7056-1(E) was added to establish that a hearing shall be deemed waived and the motion for summary judgment will be ready for decision upon the expiration of the time for filing responses and replies, unless a hearing is requested.

## **RULE 7069-1. EXECUTION**

This rule is new and was added to give authority for procedures to aid in the execution of a judgment entered in this court. Execution may be conducted within the same proceeding the judgment was obtained. Rule 7069-1(B) was added to give authority to register judgments entered in another district in this district prior to or at the time a writ of execution or garnishment is sought by following the procedures set forth in the rule. Rule 7069-1(C) was added to require that all satisfactions of judgment shall be filed with the court upon collection of the judgment.

## **RULE 8001-1. NOTICE OF APPEAL**

This rule originated from previous Rule 8001-1, which was revised for clarity.

*Previous Rule 8001-1(c) was deleted in its entirety as obsolete.*

## **RULE 8001-3 ELECTION FOR DISTRICT COURT DETERMINATION OF APPEAL**

This rule originated from previous rule 8001-3, which was revised for clarity. Rule 8001-3 (D) was added due to provisions of BAPCPA that allows direct appeals to the Circuit Court of Appeals from the Bankruptcy Court to be accomplished by filing a Notice of Certification of Direct Appeal on Official Form 24 and submitting the appropriate filing fee with the Bankruptcy Court.

## **RULE 8002-1. TIME FOR FILING NOTICE OF APPEAL**

This rule is new. Rule 8002-1(A) was added to reference Bankruptcy Rule 8002. Rule 8002-1(B) was added to establish a procedure for a premature appeal.

## **RULE 8003-1. MOTIONS FOR LEAVE TO APPEAL**

This rule is new and was added to establish a procedure for motions for leave to appeal. This rule also complies with the Statutory Time Period Technical Amendments Act of 2009. Rule 8003-1(A) requires that a fee shall be submitted with the motion for leave to appeal. Rule 8003-1(B) was added to clarify that the deadlines set forth in Bankruptcy Rule 8006 shall not begin until the Appellate Court order granting the motion for leave is docketed in the Bankruptcy Court and the prescribed appellate fee for docketing the appeal shall be submitted to the Bankruptcy Court within seven (7) days thereafter.

## **RULE 8005-1. MOTIONS FOR STAY**

This rule is new and was added to establish a procedure for filing motions for stay pending appeal. Stays pending appeal should be filed with the Bankruptcy Court to be presented to the Bankruptcy Judge for approval of a supersedeas bond or other relief. Motions for stay that request relief from the Appellate Court must be filed with the Appellate Court once the appeal has been docketed with the Appellate Court. A stay granted by the Appellate Court shall be filed by the movant with the Clerk of the Bankruptcy Court.

## **RULE 8006-1. DESIGNATION OF RECORD**

This rule originated from previous Rule 8006-1, which was revised for clarity and to comply with the Statutory Time Period Technical Amendments Act of 2009. Previous Rule 8006-1(b) was deleted in its entirety as obsolete and Rule 8006-1(B) was added to address a new procedure dealing with exhibits designated for purposes of appeal. Exhibits must be on file or filed with the Clerk and designated with a docket entry number in the Designation of Record. Any portion of an exhibit or pleading being designated must be filed in order to be designated. Rule 8006-1(C) was added to allow the clerk to notify the Bankruptcy Judge if a party fails to enable the clerk to assemble and transmit the record.

## **RULE 8007-1 COMPLETION OF RECORD ON APPEAL**

This rule originated from previous Rule 8006-1, which was revised for clarity and to comply with the Statutory Time Period Technical Amendments Act of 2009. Rule 8007-1(B) was added to require that a reporter's request for extension of time to complete a transcript pursuant to Bankruptcy Rule 8007(a) shall be filed with the clerk. 8007-1(C) was added to establish procedures if a party to an appeal fails to timely designate the items to be included in the record on appeal, fails to make satisfactory arrangements for the production of a transcript or for the filing of the exhibits or of designated items for the Clerk, or otherwise fails to take action necessary to enable the Clerk to assemble and transmit the record.

*Previous Rule 8016-2 was deleted in its entirety as obsolete.*

## **RULE 9001-1. DEFINITIONS**

This rule originated from previous Rule 9001-1, which has been revised. The definitions have been moved to Local Rule 1001-1(H).

## **RULE 9003-1. EX PARTE CONTACT**

This rule originated from previous Rule 9003-1, which has been revised for clarity.

## **RULE 9004-1. PAPERS – REQUIREMENTS OF FORM**

This rule originated from previous Rule 9004-1, which has been revised for clarity, and to incorporate electronic filing procedures in accordance with the CM/ECF Administrative Guide.

## **RULE 9004-2. CAPTION**

This rule originated from previous Rule 9004-1, which has been revised for clarity, and to incorporate electronic filing procedures in accordance with the CM/ECF Administrative Guide. Additionally, this rule defines “Amendment to” versus Amended documents.



## **RULE 9006-1.            TIME PERIODS; ENLARGEMENT OR REDUCTION AND CONTINUANCES**

This rule is new and was added to clarify the computation of time prescribed by Bankruptcy Rule 9006 when a date certain is not given. Rule 9006-1(B) was added to establish a procedure for requesting enlargement or reduction of time. Rule 9006-1(C) was added to establish a procedure for requesting a continuance. Requests under Rule 9006-1(B) and (C) require a statement that the consent of other parties has been requested, and whether such parties consent or object. Rule 9006-1(D) was added to require that requests under Rule 9006-1(B) and (C) may be ruled upon ex parte.

## **RULE 9010-1.            ATTORNEYS – NOTICE OF APPEARANCE**

This rule originated from previous Rule 9010-1, which has been revised for clarity, and to incorporate electronic filing procedures in accordance with the CM/ECF Administrative Guide. Rule 9010-1(A)(1) was added to require that a corporation, partnership, trust, or other business entity cannot appear or act on its own behalf without an attorney in a case or proceeding, except to file a request for service, a proof of claim, ballot, or to attend and inquire at the meeting of creditors held under 11 U.S.C. § 341. Rule 9010-1(A)(2) was added to require a party who has appeared by attorney cannot thereafter appear or act in his or her own behalf in the case or proceeding - unless the attorney shall first have withdrawn with certain exceptions. Rule 9010-1(A)(3) was added to require an attorney who subsequently enters an appearance in a case on behalf of a pro se debtor, or substitute counsel for a debtor, shall file a Disclosure of Compensation of Attorney pursuant to 11 U.S.C. § 329(a) and B. R. 2016(b). Rule 9010-1(B) was added to require that an attorney shall be permitted to withdraw from a case or a proceeding, only upon leave of . Rule 9010-1(C) was added to incorporate the Oklahoma Rules of Professional Conduct as the rules governing attorney conduct. Rule 9010-1(D) was added to incorporate the guidelines set forth in the General Order entered by the United States Court of Appeals for the Tenth Circuit on May 21, 1998, and for the purpose of resolving conflicts that arise in scheduling between this and the federal district courts in the State of Oklahoma, Oklahoma district and appellate courts, or the United States Court of Appeals for the Tenth Circuit.

## **RULE 9011-1.            ATTORNEYS – DUTIES**

This rule is new and was added to incorporate electronic filing procedures, which requires attorneys to file pleadings electronically and pro se parties to file paper documents pursuant to the CM/ECF Administrative Guide. This rule requires the attorney of record or the party originating the document to maintain documents with original signatures filed in a bankruptcy case for at least one year after the case is closed. In adversary proceedings, the attorney of record or party originating the document shall maintain documents with original signatures filed in the proceeding until after the proceeding is concluded and one year after case is closed.

## **RULE 9011-2. PRO SE PARTIES**

This rule is new and was added to require Pro se filers to file signed paper originals of all petitions, lists, schedules, statements, amendments, pleadings, affidavits, and other documents that contain original signatures, verifications, or unsworn declarations. The Clerk shall maintain the original paper documents in accordance with Bankruptcy Rule 5003.

## **RULE 9011-3. SIGNATURES**

This rule originated from previous Rule 9011-4, which has been revised to incorporate electronic signatures on documents. Rule 9011-3(A) was added to require that every pleading or other document electronically filed shall contain a signature in accordance with the 's CM/ECF Administrative Guide. Rule 9011-3(B) was added to require that the attorney signing the document that is filed must match the identity of the attorney whose CM/ECF System password was used to file the document. One attorney cannot file a document using another attorney's CM/ECF password. Rule 9011-3(C) was added to require the dates of signatures on the electronically filed document must be the same as the date the document was signed. 9011-3(D) was added to require when a document was submitted by more than one party the filing attorney shall confirm that the content of the document is acceptable to all persons required to sign and shall obtain the physical signatures of all parties on the document. The filing attorney shall then file the document, indicating the electronic signatures of all appropriate persons.

## **RULE 9013-1. MOTIONS; FORM AND SERVICE**

This rule originated from previous Rule 9013-1, which was revised to incorporate and modify General Orders 25 dated April 28, 1998, and 31, dated July 14, 1999. Rule 9013-1(B) was previously Rule 9013(a), which has been modified to clarify the time frame for filing a response or objection to a motion under 9013-1(B) and to add reference to the court's required Local Form 20A, Notice of Motion, Notice of Deadline to File Objection to Motion and Notice of Hearing, if Objection is Filed. Rule 9013-1(C) was added to list the exceptions to requests for relief that Local Rule 9013-1(B) does not apply. Rule 9013-1(D) was added to incorporate General Order 62 dated January 3, 2007, and requires corporate participants in contested matters to file a "Corporate Ownership Statement" on the referenced Local Form. Rule 9013-1(E) was added to provide that the time for filing a response or objection to a motion under Local Rule 9013-1(B) shall recommence upon the filing of any amendment, correction, supplement or modification to the motion, even if such amendment is in response to a notice of deficiency filed by the Clerk of Court. Rule 9013-1(F) was added to state that matters pending at the time the case is closed will be stricken for lack of prosecution. Rule 9013-1(G) was added to state the court may disregard untimely filed objections. Rule 9013(H) was added to establish a procedure for the time and matter of service of motions, notice of motion, the deadline to file an objection, and the notice of hearing and to incorporate electronic filing procedures.

#### **RULE 9013-4. APPLICATIONS**

This rule originated from previous Rule 9013-4, which was revised for stylistic purposes. 9013-4(b) was deleted and previous Rule 9013 -1(c) became 9013-4(B), which was revised to require that if the court sets an application for hearing, the matter will be considered a contested matter and be governed by Rule 9014-1. Previous 9013-4(d) became 9013-4(C), which was revised for stylistic purposes.

#### **RULE 9014-1. CONTESTED MATTERS**

This rule is new and was added to require that Rule 9013-1 applies to motions or objections initiating contested matters. Initial hearings will be considered preliminary in nature unless the orders otherwise. The order resulting from the initial hearing shall govern further scheduling of the evidentiary hearing procedure. Rule 9014-1(B) was added to incorporate General Order 62 dated January 3, 2007, and requires corporate participants in contested matters to file a “Corporate Ownership Statement” on the referenced Local Form. Rule 9014-1(C) was added to reference the certificate of mailing and Rule 5005-1(E) requirements. Rule 9014-1(D) was added to provide that a motion that an objection has been filed may not be withdrawn without an order of the court and that an application to withdraw the motion shall indicate that opposing parties either consent or object to withdrawal of the document.

#### **RULE 9015-1. JURY TRIAL**

This rule originated from previous Rule 9015-1, which was revised for purposes of clarity and to conform to the Local Civil Rules of the Eastern District of Oklahoma.

#### **RULE 9017-1 WITNESSES**

This rule originated from previous Rule 9016-2, which was revised to give a deadline for filing the name and address of each witness on this ’s Local Form 9017-1 prior to a trial or evidentiary hearing.

#### **RULE 9017-2 EXHIBITS**

This rule originated from previous Rule 9070-1, which was revised to give a deadline for marking exhibits, providing copies to opposing counsel, and submitting, but not filing, two (2) copies of the exhibits to the Clerk’s Office prior to a trial or evidentiary hearing. Additionally, this rule was revised to add a deadline for filing exhibit lists of respective exhibits set forth sequentially in the order intended to be identified prior to trial on the court’s Local Form 9017-2(A). Rule 9017-2(B) was revised to require exhibits shall be destroyed at the conclusion of all appeal activity without notice to the parties.

#### **RULE 9019-1. SETTLEMENTS**

This rule is new and was added to establish the procedure, noticing requirements and content for motions filed by the trustee or debtor in possession pursuant to Bankruptcy Rule 9019 to approve the compromise or settlement of controversies. The motions shall be filed in the bankruptcy case and if a proposed settlement or compromise of an adversary proceeding affects the estate, a joint motion for approval of such compromise of the adversary proceeding shall be filed in the bankruptcy case. The rule references Local Form 20A, Notice of Motion, Notice of Deadline to File Objection to Motion and Notice of Hearing, if Objection is filed. The rule requires the parties to file the appropriate pleadings to close the adversary proceeding within fourteen (14) days from the entry of the compromise or settlement in the bankruptcy case.

#### **RULE 9019-2. ALTERNATIVE DISPUTE RESOLUTION (ADR)**

This rule is new and was added to establish rules and procedures for alternative dispute resolution in the Bankruptcy Court for the Eastern District of Oklahoma.

#### **RULE 9021-1. JUDGMENTS AND ORDERS – ENTRY OF**

This rule originated from previous Rule 9021-2, which was revised to incorporate electronic filing procedures and to specifically provide for a Text-Only Order, which, together with the Notice of Electronic Filing, shall constitute the evidence of an order concerning the matter. Any order filed electronically without the original signature of a Judge has the same force and effect as if the Judge had affixed the Judge's signature to a paper copy of the order and the order had been entered on the docket in a conventional manner.

#### **RULE 9036-1. NOTICE BY ELECTRONIC TRANSMISSION**

This rule is new and was added to incorporate electronic filing procedures and to provide that a request and receipt of a CM/ECF password from the Clerk shall constitute consent to receive service by electronic means. Local Form 9036-1 Notice to Discontinue Service is referenced in this rule.

#### **RULE 9072-1. ORDERS - PROPOSED**

This rule originated from previous Rule 9072-1, which was revised to incorporate electronic filing procedures in accordance with the CM/ECF Administrative Guide XIII. Proposed orders and judgments shall not be attached to the motion at the time of filing except to Motions pursuant to Bankruptcy Rule 4001. Rule 9072-1(B) was added to reserve the 's right to enter Text-Only Orders in any instance. Rule 9072-1(C) was added to establish a procedure for submitting Pre-trial Orders. Rule 9072-1(D) was added to establish a procedure for submitting Agreed Orders.

**RULE 9073-1. STATUS HEARINGS**

This rule originated from previous Rule 9073-1, which was revised for stylistic purposes. This rule complies with the Statutory Time Period Technical Amendments Act of 2009.

**RULE 9075-1. EMERGENCY ORDERS**

This rule is new and was added to require that upon filing an application for emergency or expedited consideration, a movant shall contact Judge's chambers via telephone to advise the of the application.

**RULE 9076-1. ELECTRONIC SERVICE**

This rule is new and was added due to electronic filing procedures. This rule sets forth that registered users (1) waive the right to receive notice by first class mail and consent to receive notice electronically via the CM/ECF generated notice of electronic filing; and (2) waive the right to service by personal service or first class mail and consent to electronic service via the notice of electronic filing, except with regard to service of a summons and complaint under Bankruptcy Rule 7004. Waiver of service and notice by first class mail applies to notice of the entry of an order or judgment under Bankruptcy Rule 9022. Rule 9076-1(B) was added to set forth that registered users who are served with a notice of electronic filing will not receive duplicate notice served via the Bankruptcy Noticing Center except for the §341 notice of commencement of case. This elimination of duplicate noticing will also apply to those registered users who have separately entered into an agreement for electronic bankruptcy noticing with the Bankruptcy Noticing Center. Registered users receiving notice under this rule shall have access to electronic dockets and case documents as provided under Local Rule 9036-1.

**RULE 9081-1. EFFECT OF AMENDMENT OF LOCAL RULES OF THE DISTRICT COURT**

This rule is new and was added to set forth the District Court Local Rules made applicable in cases or proceedings by these rules shall be the District Court Local Rules in effect on the effective date of these rules and as thereafter amended, unless otherwise provided by such amendment.